APPENDIX A

March 10, 1966

MEMO TO THE FILE

Re: Christofalos, George N., A10 864 221

Mr. Notkin appeared this date and submitted a memo asking for additional time beyond the authorized voluntary departure date of March 11, 1966.

Mr. Notkin was informed verbally that no further extensions of stay for his client would be forthcoming.

Subject's application for permission to reapply for admission into the United States after deportation was denied on March 3, 1966 by the District Director.

/s/ Hugh Brien
Hugh Brien
Immigrant Inspector

APPENDIX B

(Letterhead—United States Department of Justice)

Jul 15 1966 NW 212

Mr. Nathan T. Notkin
Attorney at Law
11 South LaSalle Street
Chicago, Illinois 60603

Dear Mr. Notkin:

Enclosed is a copy of the Regional Commissioner's order in behalf of George Nicholas Christofalos dismissing your appeal and ordering that his application for permission to reapply for admission to the United States after deportation be denied.

Sincerely,
/s/ Monte Moutal
Monte Moutal
Associate Deputy Regional
Commissioner, Operations

Enclosure

(Letterhead—United States Department of Justice)

File A10 864 221—Chicago Jul 15 1966

In re: George Nicholas Christofalos

APPLICATION FOR PERMISSION TO REAPPLY FOR ADMISSION INTO THE UNITED STATES AFTER DEPORTATION

Attorney or Representative:
Nathan T. Notkin
Attorney at Law
11 South LaSalle Street
Chicago, Illinois 60603

BEFORE THE REGIONAL COMMISSIONER

This case is before the Regional Commissioner on appeal from the order of the District Director who denied the application.

The applicant is a 28-year old male who was born in Greece and is now a citizen of Canada. He gives as his reason for desiring to enter the United States 'to live with my United States citizen wife and child in Chicago, Illinois.' On appeal, counsel argues that the applicant's United States citizen wife, child and step-child will suffer hardship if the application is not granted. Counsel also cites decisions rendered in similar cases which he believes dictate that a decision favorable to his client should be reached by the Regional Commissioner.

The applicant's history of involvement with this Service is lengthy. In February 1958 he was found working at a striptease club in Chicago as a doorman after having been admitted as a visitor at Detroit, Michigan in 1957. He departed to Canada before formal Service action could be instituted. On March 1, 1960 an order to show cause and a warrant for his arrest were issued charging that after admission as a visitor for two months on or about October 28, 1959 at Detroit, he had remained for a longer period of time than permitted. In a sworn state-

ment on March 1, 1960 he testified that he had been employed during most of his stay in the United States and that one reason for coming here was the Toronto, Canada police had a warrant for his arrest because of debts he had in that city. He was granted voluntary departure and departed to Canada on March 3, 1960. On December 19, 1960 he was deported to Canada on the charge that after admission as a nonimmigrant visitor for one week on or about August 20, 1960 at an unknown port he remained for a longer period of time than permitted. His presence in the United States on this occasion was brought to Service attention as a result of his arrest in Berwyn, Illinois on August 26, 1960 for larceny of an automobile. On September 2, 1960 he entered a plea of guilty to the reduced charge of tampering with an automobile and was sentenced to six months in Cook County, Illinois jail. The hearing which resulted in his deportation was held at that institution on November 18, 1960.

On November 21, 1963 the applicant's attorney filed a notice of appearance with the Chicago office of this Service. In a sworn statement on December 6, 1963 the applicant testified that since his deportation in 1960 he had reentered the United States three times without obtaining the Attorney General's permission to reapply for admission with the full knowledge that such permission was necessary. He also testified that he had married a United States citizen in Chicago on August 24, 1962 and that a child was born to his wife in Chicago on September 23, 1962. A notice sent to the applicant at his Chicago address to appear for an interview on February 25, 1964 resulted in a phone call from him in Toronto saying he could not keep the appointment. On March 9, 1964 he was paroled into the United States at Detroit to appear in Circuit Court of Cook County, Illinois on March 16, 1964 for trial on the charge of "aiding or soliciting for a prostitute" for which he was arrested in Chicago on October 14, 1963.

On March 18, 1964 the applicant filed an application for permission to reapply for admission. The application was denied by the District Director on December 15, 1964 on the ground the applicant had consistently shown little or no regard for United States immigration laws and state laws.

In exclusion proceedings concluded on June 28, 1965 the special inquiry officer permitted the applicant to withdraw his application for admission made at Detroit on March 9, 1964. He departed to Canada on July 2, 1965.

The applicant next came to the attention of this Service when the Chicago Police Department advised he had been arrested on October 20, 1965 and charged with strong armed robbery. In a sworn statement given on November 2, he testified that he had reentered the United States at Detroit on September 10, 1965 telling the immigrant inspector he wanted to visit in Chicago for three weeks.

In deportation proceedings concluded on February 24, 1966 the applicant was found deportable pursuant to section 241(a)(1) of the Immigration and Nationality Act in that he had reentered the United States after arrest and deportation without having received permission from the Attorney General to reapply for admission. He was granted the privilege of voluntary departure in lieu of deportation provided he depart to Canada at his own expense within such time and under such conditions as directed by the District Director. It was ordered that failure to depart as required would result in the withdrawal of the privilege of voluntary departure and that he be deported from the United States to Canada. A departure of March 11, 1966 was set by the District Director. The applicant is still in the United States.

On March 11, 1966 counsel for the applicant filed with the United States Court of Appeals for the Seventh Circuit in Chicago, Illinois a Petition for Review of Deportation Order. This matter is still pending.

The record shows the applicant has been involved in police actions in the United States as follows:

Date and place of arrest	Charge	Disposition
2/29/60—Chicago, Illinois	Assault of 16 year old girl	$10 fine $ 5 court costs
8/26/60—Berwyn, Illinois	Larceny of cars	Charge reduced to tampering with auto. Sentenced to six months on plea of guilty.
10/14/63—Chicago, Illinois	Aiding or soliciting for a prostitute	Discharged 8/25/64
10/20/65—Chicago, Illinois	Strong armed robbery	Dismissed

The following is the applicant's police record in Canada:

4/1/60—Toronto	False pretenses (3 charges)	Withdrawn
4/4/61—Toronto	False pretenses	Bailed. Failed to appear. Warrant to issue.
5/10/61—Toronto	False pretenses	Suspended sentence. Six months probation. $300 restitution.

In a sworn statement on February 12, 1964 the applicant's wife testified that she was and had been for two years, employed at the same job earning $70 a week take-home pay. She stated she preferred not to answer a question as to when, where and under what circumstances she met the applicant. On February 24, 1966 she testified she was still employed full-time by the same employer earning about $75 a week.

We have considered the record in this case most carefully and sympathetically. Certainly, the fact that the applicant has a United States citizen wife and child is an appealing factor. However, the applicant has displayed contempt and complete disregard for the immigration laws of the United States. Further, his frequent violations and suspected violations of the laws of two countries during the past six years can only lead to the belief that this pattern of conduct can be expected to continue.

It is concluded that the adverse factors in this case far outweigh the sole appealing factor. The favorable exercise of the Attorney General's discretion is clearly not warranted. The District Director's decision is firmly supported by the record. The appeal will be dismissed.

It Is Ordered that the District Director's decision denying the application be and the same is hereby affirmed.

It Is Further Ordered that the appeal be and the same is hereby dismissed.

/s/ N. Ewing
Regional Commissioner
Northwest Region

APPENDIX C

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

November 15, 1966

Before

Hon. John S. Hastings, Chief Judge
Hon. F. Ryan Duffy, Senior Circuit Judge
Hon. Luther M. Swygert, Circuit Judge

George N. Christofalos
Petitioner,

No. 15603 vs.

Immigration and Naturalization Service,
Respondent

On October 24, 1966, petitioner filed a motion seeking a reconsideration and clarification of the order of this Court of October 14, 1966.

Petitioner seeks judicial review of decisions of the Attorney General and the Immigration and Naturalization Service denying him permission to reapply for admission to the United States after deportation. The circumstances disclose that the decisions involved are within the discretion of the administrative officials.

For the above reason, and for the reasons stated in the order of October 14, 1966, that order is hereby affirmed; and

It is Ordered, that the motion to allow the petitioner to file an amended petition for review be and the same is hereby Denied;

It Is Further Ordered, that the petition for review be and the same is hereby Dismissed.

APPENDIX D

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

October 14, 1966

Before
Hon. F. Ryan Duffy, Senior Circuit Judge
George N. Christofalos

No. 15603

Petitioner,

vs.

Immigration and Naturalization Service,

Respondent

On July 28, 1966, petitioner filed a motion for an order allowing petitioner to file an amended petition for review. Petitioner alleged he previously had been deported from the United States, and required the permission of the Attorney General of the United States to re-apply for admission to the United States after deportation; that petitioner filed such application but that the application was denied and the appeal therefrom was denied on July 15, 1966. The pending motion, in substance, is that the pending petition for review be amended to include the judicial appeal from the denial of the application hereinbefore described.

The Immigration and Naturalization Service filed an answer to petitioner's motion setting forth the reasons why petitioner's application for permission to reapply for admission to the United States after deportation was denied. It stated it is a "matter of the Attorney General's discretion because you repeatedly and knowingly entered the United States after having been deported from the United States . . . without obtaining the Attorney General's permission to reapply for admission. . . ."

The Court being fully advised

It Is Ordered, that the motion for an order allow the petitioner to file an amended petition for review and the same is hereby Denied.